

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS HERTEL, the Register of Deeds and
Representative of INGHAM COUNTY; and
NANCY HUTCHINS, the Register of Deeds
and Representative of BRANCH COUNTY,
both as Class Representatives of all 83 counties
in the State of Michigan,

Case No. Case No. 1:12-cv-00174

Plaintiffs,

Hon. Robert Holmes Bell

v.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
MERSCORP, INC., BANK OF AMERICA
N.A.; J.P. MORGAN CHASE & CO., CHASE
HOME MORTGAGE CORPORATION f/k/a
CHASE HOME FINANCE, WELLS FARGO
BANK, N.A., CITIMORTGAGE INC., and
JOHN DOE as any other authorized signers for
MERS or MERSCORP, INC., and Defendants
JOHN DOC Corporations I – MMM,

Defendants.

**MOTION TO DISMISS OF INTERVENOR-DEFENDANTS
FEDERAL NATIONAL MORTGAGE ASSOCIATION, FEDERAL HOME LOAN
MORTGAGE CORPORATION, AND THE FEDERAL HOUSING FINANCE AGENCY**

Intervenor-Defendants Federal National Mortgage Association (“Fannie Mae”), Federal Home Loan Mortgage Corporation (“Freddie Mac,” and together with Fannie Mae, the “Enterprises”), and the Federal Housing Finance Agency in its capacity as the Enterprises’ Conservator (“FHFA” and together with the Enterprises, the “Enterprise Defendants”) hereby respectfully move this Court for an order dismissing all claims against Bank of America, N.A., JP Morgan Chase & Co., Chase Home Mortgage Corporation, Chase Home Finance, Flagstar Bank, FSB, Wells Fargo Bank, N.A., CitiMortgage, Inc., Comerica Bank, Independent Bank, SSB Bank, and US Bank, N.A. pursuant to Federal Rule of Civil Procedure 12(b)(6).

This Motion is supported by the accompanying Memorandum.

Pursuant to L.CivR. 7.1(d), counsel for FHFA today called Plaintiffs’ counsel of record and left a voicemail with Mr. Marsh, stating the Enterprise Defendants’ intention to file a dispositive motion, inquiring whether Plaintiffs would concur, and requesting a return call stating Plaintiffs’ position. Counsel for FHFA also transmitted a letter via e-mail to Plaintiffs’ counsel, reiterating the request. Plaintiffs have not responded at the time this Motion was submitted. Accordingly, the Enterprise Defendants represent that Plaintiffs have not concurred in the Motion.

Dated: January 17, 2013

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January 2013, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filings to the following:

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